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SPEAKER PRO TEMPORE

AB 514 TESTIMONY

November 12, 2009

Assembly Committee on Criminal Justice

Chairman Turner and fellow members of the Assembly Committee on Criminal Justice, I am the Assembly author of AB 514.

This proposal relates to the time limitations for commencing prosecution of crimes in cases where DNA evidence has been collected.

Under current law, the state generally must commence prosecution of a felony within six years of the offense and within three years for a misdemeanor. There is no time limitation for commencing prosecution for most homicides or certain sexual assaults of a child.

Under AB 514 if the state collects DNA evidence in connection with a crime for any felony under 940 (crimes against life and bodily security) or 948 (crimes against children) before the statute of limitations for the crime runs out, the state may prosecute the crime within 12 months of making a DNA match.

Assembly Bill 514 also resolves an ambiguity resulting from adoption of 2005 Acts 60 and 276 as to how the DNA extension applies to crimes related to sexual assaults. Under this proposal, for cases in which the state collected DNA evidence in a timely manner, the state has 12 months from the date of making a DNA match to prosecute a crime that is related to a felony under Chapters 940 or 948.

Assembly Bill 514 clarifies that if a DNA match is made in a first-degree sexual assault case, the state may prosecute the assault any time after the match has been made. In cases with multiple perpetrators, or multiple crimes were committed, the prosecution could benefit from the additional time to needed to complete the case and initiate prosecution. This legislation clarifies that the DNA prosecutorial extensions apply even if the DNA match is made before the original statute of limitations expires.

Our state's DNA database has been instrumental in the charging and prosecution of numerous crimes. For example, since the beginning of this year the state has used DNA in over a dozen cold-case homicides. While law enforcement doesn't rely on DNA evidence alone, its presence can be instrumental in successfully prosecuting criminal cases.

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We do need our criminal code to address statutes of limitation in order to allow a person charged with a crime to have their day in court on a timely basis, with the opportunity to confront their accusers. Enactment of AB 514 will balance the rights of defendant while also taking advantage of new DNA technology to ensure that the guilty individual is punished and the innocent persons are not penalized, no matter how much time has passed since the commission of the crime.

Mr. Chairman and members, thank you for your kind attention today. I would be happy to answer any questions you may have.